

DANILO T. AGUILAR, F0198
Attorney at Law
P.O. Box 505301
First Floor San Jose Court Bldg,
Cor. Ghiyeghi St. & Wischira Way
San Jose, Saipan, MP 96950
TELEPHONE: (670) 234-8801
FAX: (670) 234-1251

Attorney for Defendant
Samuel Rayburn

IN THE UNITED STATES DISTRICT COURT

OF THE

NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,

Criminal Case No. 07-00019

Plaintiff,

v.

**DEFENDANT'S PROPOSED VOIR
DIRE QUESTIONS**

SAMUEL RAYBURN,

Defendant.

Defendant Samuel Rayburn, through his respective counsel, hereby submits
the following proposed voir dire questions for the jury.

A. BACKGROUND/CONFLICTS

1. How long have you resided in the Commonwealth?
2. What languages do you speak?
3. Do you have any difficulty in reading, speaking, or understanding the
written or spoken English language?
4. Do you understand the Chamorro language?
5. Are you married? If "yes," what is the full name of your spouse and how
long have you been married?

- 1 6. If you are married, do any of you believe that a married person should be
2 held accountable for the criminal actions of their spouse?
- 3 7. If you are married, do any of you believe that when two people get married
4 that they should know what kind of activities that their spouse is involved
5 in?
- 6 8. Are you, your spouse or your children related to any of the witnesses,
7 attorneys or the defendant in this case?
- 8 9. Have you, your spouse or anyone you know, been involved in a matter with
9 which any of the attorneys have been associated?
- 10 10. Do you, your spouse or your children know, or are friends with any of the
11 witnesses, attorneys or the defendant in this case?
- 12 11. Are you currently employed? Where? What is your position?
- 13 12. Where else have you worked in the past?
- 14 13. Have you ever served on a government board or hold any governmental
15 position?
- 16 14. If your spouse is employed or has been employed, who is (or was) his or her
17 employer?
- 18 15. How many years of formal education have you had? When did you last
19 attend school?
- 20 16. If you were formerly married, when and where did your former spouse work?
- 21 17. If you have children, please state their full names and ages, and occupations
22 (if working).
- 23
- 24
- 25
- 26
- 27
- 28

- 1 18. Have you, or any member of your immediate family, ever studied law,
2 practiced law, or been employed by a lawyer or law firm? If "yes", please
3 explain briefly.
4
- 5 19. Have you, or any members of your family, ever worked for the Department
6 of Public Safety, the FBI, or other Law Enforcement Agency or Corrections
7 Facility? If so, when, how long were you so employed, and what was your
8 job title and description?
- 9 20. Anyone have plans or desires of training to become a police officer or
10 working for a law enforcement agency?
- 11 21. Have you read or seen or heard anything about this case before coming to
12 this Court?
- 13
- 14 22. What do you already know about the facts of this case?
- 15 23. Have you or any member of your immediate family ever been arrested and/or
16 incarcerated for any reason? If yes, please describe the circumstances
17 surrounding your arrest and/or incarceration.
- 18 24. Have you ever served on a trial jury? If "yes", were/was the case(s) criminal
19 or civil? Please state where and when you have so served.
- 20
- 21 25. Have you or any member of your immediate family ever been involved as a
22 party or to appear as a witness in any court proceeding (civil or criminal) or
23 in any investigation by a federal or state authority or by an official
24 legislative body or agency? If "yes", please explain briefly.
25
26
27
28

B. PRESUMPTION OF INNOCENCE/REASONABLE DOUBT

26. The indictment is the means by which a person is accused of a crime in a criminal case. It is only an accusation. It has no weight whatsoever as evidence. Is there any juror who does not understand, or cannot accept this principle?
27. Do you understand that there has been no prior determination of guilt or innocence in this case and that this trial is the first opportunity the defendant will have had to have the facts heard and weighed?
28. Does anyone think that because a person has been arrested or charged by indictment for a criminal offense that they are likely to be guilty of that offense?
29. Do any of you feel as you sit here now that it is impossible for a police officer to ever arrest an innocent person?
30. Would anyone tend to believe a police officer or Government Agent more readily than any other witness?
31. Do you believe that a Government Agent is less biased or more accurate than other witnesses who may testify?
32. Do you understand that the testimony of a Government Agent is not entitled to any greater weight than the testimony of any other witness, merely because he or she is an agent of the Government?
33. Do you understand that the defendant does not have to produce any evidence in this case?

1 34. Under our legal system, an accused does not have to testify at trial. In fact,
2 this court will instruct you that if a defendant does not testify, you are not
3 to hold this against the defendant nor are you to infer anything by it. If a
4 defendant were to decide that his testimony was not needed in this case, do
5 any of you feel that if a defendant did not testify, that such choice would be
6 an indication of his guilt?
7

8 35. What would your reaction be if the defendant did not testify in this case?

9 36. Do you understand that in a criminal proceeding the defendant is presumed
10 innocent and the burden of proof is on the government and it must prove that
11 the Defendant is guilty beyond a reasonable doubt?
12

13 37. What does presumed innocent mean to you?

14 38. What does the term beyond a reasonable doubt mean to you?

15 39. Do you understand that proof beyond a reasonable doubt is proof beyond
16 mere suspicion and must be established beyond a mere probability?

17 40. Do you understand and accept that the defendant in this matter has no
18 obligation to prove anything and does not have to provide any evidence that
19 he is innocent and, if the government fails to prove their case beyond a
20 reasonable doubt, you must find the defendant "not guilty?"
21

22 41. Could you convict a person for a crime that you think they probably
23 committed but you are not sure?

24 42. Do you understand that a reasonable doubt can arise not only from the
25 evidence produced, but also from a lack of evidence?

26 43. Do you feel that when the Federal Government arrests a person, that person
27 must have committed a crime?
28

1 44. Do you believe that a person charged with a crime is innocent until the
2 government proves beyond a reasonable doubt that the person committed the
3 crime?

4 45. Do you understand that the government must put forth evidence that proves
5 beyond a reasonable doubt that Samuel Rayburn is guilty of the crimes with
6 which he is charged?
7

8 **C. DRUGS**

9 46. Do you know persons who have used ice, or any other illegal drugs?

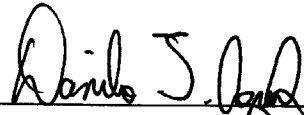
10 47 Has anyone in your immediate family or inner circle of friends used or
11 experimented with drugs?
12

13 48. Do you have a close relationship with any persons who you feel may have an
14 addition to any controlled substance.

15 **D. OTHER**

16 49. Do you know of any reason not disclosed in your answers to these questions
17 why you could not be a fair and impartial juror in this case?

18 Respectfully submitted this 30th day of August, 2007.
19

20
21 
22 **DANILO T. AGUILAR, F0198**
23 Attorney for Defendant
24 Samuel Rayburn
25
26
27
28